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*Attorneys for Engineered Structures, Inc. ("ESI")*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division

In re CIRCUIT CITY STORES, INC., et al.,  Debtors.
Engineered Structures, Inc. ("ESI") Plaintiff  v.  Circuit City Stores, Inc.  Defendant

Chapter 11  
Case No. 08-35653 (KRH)  
(Jointly Administered)

**ORDER**

THIS MATTER, having come on before the court on January 16, 2009, at 10:00 a.m. upon  
Creditor Engineered Structures, Inc.'s Motion to Terminate the Automatic Stay [Docket 1070]  
and with Engineered Structures, Inc. ("ESI") having appeared by and through its counsel of

record, Seyfarth Shaw, LLP, with the Debtor, Circuit City Stores, Inc., having appeared by and through its counsel of record, with Circuit City having objected to termination of the automatic stay as to Store #3878 located at 835, East Birch Street, Brea, California APN 319-011-67 and Store #4313 located at 1020 West Imperial Highway, La Habra, Orange County, California, APN 019-171-19 and with the parties having reached an agreement with respect to the motion:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

1. ESI's motion to terminate the automatic stay as to Store #3878 in Brea, California and Store #4313 in La Habra, California is hereby granted in part and continued in part to a final hearing to be held on February 13, 2009 at 10:00 a.m. or such later date as agreed to by the parties, as set forth below.

2. The automatic stay is hereby modified for the limited purpose of allowing ESI to file and serve lien foreclosure actions (the "Foreclosure Actions"), and record *Lis Pendens* in the state of California with respect to the properties described above.

3. All other issues raised by the motion and objection, including, but not limited to whether the stay should be modified to allow ESI to further prosecute the Foreclosure Actions, are continued.

4. ESI shall not be permitted to further prosecute the Foreclosure Actions, beyond the relief granted herein, without further order of this Court.

5 . The ten (10) day stay provided for by Federal Rule Bankruptcy Procedure 4001(a)(3) is waived.

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

WE ASK FOR THIS

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*Attorney to the Debtors  
and Debtors in Possession*

**Local Rule 9022-1(C) Certification**

The foregoing Order was endorsed by and/or served upon all necessary parties pursuant to Local Rule 9022-1(C).

*By: /s/ Rhett Petcher*

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